

**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Petition For
Reinstatement of License of:

OAH No. 2010090298

BERNARD RAYNER,

Psychiatric Technician License No. PT
30339 (Revoked)

Petitioner.

DECISION

This matter was heard by a quorum of the Board of Vocational Nursing and Psychiatric Technicians on September 15, 2010, in Los Angeles, California. Administrative Law Judge Humberto Flores from the Office of Administrative Hearings presided.

Langston Edwards, Deputy Attorney General, represented the California Department of Justice.

Bernard Rayner (Petitioner) appeared personally and represented himself.

Evidence was received and the matter was submitted for decision. The Board of Vocational Nursing and Psychiatric Technicians (Board) finds as follows:

FACTUAL FINDINGS

1. On or about March 9, 1999, the Board issued Psychiatric Technician License No. PT 30339 to Petitioner.

2. In a Default Decision in Case No. T 1128, effective July 19, 2006, the Board revoked Petitioner's Psychiatric Technician's License. In its decision, the Board found that Petitioner was convicted of the following crimes:

(1) On April 29, 1999, Petitioner was convicted of violating Vehicle Code section 23152, subdivision (b), driving a motor vehicle with .08% or higher blood alcohol content, a crime involving unlawful consumption of alcoholic beverages in a manner injurious to himself or the public.

(2) On May 29, 1997, Petitioner was convicted of violating Vehicle Code section 23152, subdivision (b), driving a motor vehicle with .08% or higher blood alcohol content, a crime involving unlawful consumption of alcoholic beverages in a manner injurious to himself or the public.

(3) On April 29, 1999, Petitioner was convicted of violating Penal Code section 415 (disturbing the peace).

4. Petitioner has several outstanding bench warrants as follows:

(1) On January 24, 2007, the San Bernardino Superior Court issued a bench warrant for \$30,000 because Petitioner failed to appear at an arraignment on a charge alleging a violation of Health and Safety Code section 11377, subdivision (a), possession of a controlled substance.

(2) On December 19, 2006, the San Bernardino County Superior Court issued a warrant totaling \$40,000 for violating probation and because Petitioner failed to appear for a number of outstanding charges that were filed in 2006.

4. On or about May 20, 2010, Petitioner filed a Petition for Reinstatement with the Board.

5. Petitioner's testimony that he thought he had "taken care" of all of the outstanding bench warrants was not credible. Petitioner was evasive and vague in his testimony; and he did not submit documentary proof, such as current court records, which would corroborate his testimony. The state of the evidence before the Board is that these warrants remain outstanding. Therefore, Petitioner has not established rehabilitation.

LEGAL CONCLUSIONS

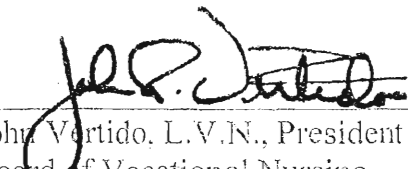
Cause does not exist under Business and Professions Code section 2878.7 to grant the Petition for Reinstatement of a Revoked License.

ORDER

The Petition for Reinstatement of a Revoked License submitted by Bernard Rayner is denied.

DATED: December 8, 2010

EFFECTIVE DATE: December 23, 2010


John Vertido, L.V.N., President
Board of Vocational Nursing
and Psychiatric Technicians